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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JONES, SCOTT E

ART UNIT PAPER NUMBER

3713

DATE MAILED: 04/13/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,152

Applicant(s)

PAULSEN, CRAIG A.

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11,13-15,30-44 and 55-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11,13-15,30-44 and 55-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on December 8, 2003 in which applicant amends claims 1, 13, 30, 41, 55, and 66, adds claims 68 and 69, cancels claim 12, and responds to the claim rejections. Claims 1-11, 13-15, 30-44, and 55-69 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15, 30-44, 55-61, and 67-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (Walker) (U.S. 6,110,041).

Walker discloses a method and system for adapting gaming devices to a player's playing preferences. In particular, a gaming machine is networked to a central server which receives preference data from a player and configures the gaming machine to match the received preference data. The player inserts an electronic player tracking card (or other "biometric" data is used) to authenticate that a particular player is on a machine by transmitting data to a central server. Once this data is authenticated the central server programs or configures the gaming machine to the player's preferences. Walker additionally discloses:

Regarding Claims 1, 30, 38, 40, 42, 44, 55, 56, and 58:

- a master gaming controller (slot machine controller (310)) is configured to control one or more games played on the gaming machine and to request preference account information from a remote server (central server) (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, Column 7, line 47-Column 8, line 6, and Figures 1-11B); and
- a memory configured to store gaming software that allows the master gaming controller to request one or more different portions of the preference account information from the remote server (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B);
- the preference account information comprises preferred gaming machine settings (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B); and
- a user interface configured to display preferences, to receive selections, to display a preview of a game presentation using the preference selections, and to display information regarding one or more preferences in a group of available preferences, wherein the information regarding the one or more preferences and the preview of a game presentation allows one to compare the available preferences (Abstract, Figs. 5, 9, 10A, 11A, Column 2, lines 21-41, and Column 7, line 45-Column 8, line 6). First, Walker's user interface has to display information regarding one or more preferences in a group of available preferences, otherwise, the characteristic, such as language, sound, or speed of reel spins as shown in fig. 5 would only have one option, which would be the default characteristic for the machine. No selections are required of a player on a

machine that uses default preferences for a gaming machine. Second, as a minimum, a player is able to compare (preview) available preferences during game play. For instance, if the player has selected a “Loud” sound option (as shown in Fig. 5), but dislikes the loud sound effects in the game, the player can simply re-configure sound option in the player preference options to a “medium” or “low” sound, etc.

Regarding Claims 2, 38, and 39:

- two different portions of the preference account information are requested on the remote server (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B).

Regarding Claims 3, 6, 30, 31, 34, and 57:

- the loyalty point account information comprises an amount of loyalty points rewarded during a particular event (Column 5, lines 42-60).

Regarding Claims 4 and 32:

- the particular event comprises a game play (Column 5, lines 42-60).

Regarding Claims 5 and 33:

- the loyalty account settings are selected based on a name or address (Figure 4).

Regarding Claims 7 and 35:

- the preferred game is a slot machine (Column 3, lines 61-64).

Regarding Claims 8, 9, 36, and 37:

- the preferred gaming features and settings are game presentation speed or game audio features (Column 5, lines 1-5).

Regarding Claims 10, 11, and 43:

- biometric input device designed to receive biometric information from a player, such as, a fingerprint or retina scan (Column 6, lines 47-61).

Regarding Claims 41 and 59:

- an interface (display screen (346)) designed to display preference account information (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, Column 7, line 47-Column 8, line 6, and Figures 1-11B).

Regarding Claim 13:

- the user interface is compatible with a web browser (Column 9, lines 27-35).

Regarding Claims 14, 15, and 40:

- one or more input devices designed to input preference account information, including a video touch screen, a card reader, keypad, etc. (Figures 3, and 9-11B, and Column 6, lines 39-61).

Regarding Claim 60:

- the information displayed regarding the one or more preferences includes a simulated game generated using one or more preference selections (Column 6, lines 32-38 and Column 7, line 45-Column 8, line 31).

Regarding Claim 61:

- the information displayed regarding the one or more preferences includes an account summary (Figure 5).

Regarding Claim 67:

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- the information displayed regarding one or more preferences includes a promotional opportunity (Figure 8 (Comp Rate, Comp Specs), column 3, lines 42-45, column 4, lines 49-64, and column 5, lines 32-36, and 42-60).

Regarding Claims 68 and 69:

- the information regarding one or more preferences in a group of available preferences includes information about an award (Claim 12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 62-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,110,041) in view of Walker et al. (U.S. 6,077,163).

Walker ('041) discloses that as discussed above with regards to Claims 1-11, 13-15, 30-44, 55-61, and 67-69. Walker ('041) seems to lack explicitly stating:

Regarding Claim 62:

- the account summary includes points awarded for an activity.

Regarding Claim 63:

- the account summary includes one or more fields chosen from the group consisting of a date, a location, an activity, and points awarded for an activity.

Regarding Claim 64:

- the information displayed regarding the one or more player preferences includes award level categories.

Regarding Claim 65:

- each award level category includes one or more prizes that are redeemable at an award level corresponding to the award level category.

Regarding Claim 66:

- the user interface further comprises an information display area for displaying additional information for each of the prizes.

Walker ('163), like Walker ('041) teaches of a gaming device having player selectable preferences. Walker ('163) teaches of a player selecting preferences for playing a flat rate play session on a gaming device. Additionally, Walker ('163) teaches:

Regarding Claim 62:

- the account summary includes points awarded for an activity (Figure 4).

Regarding Claim 63:

- the account summary includes one or more fields chosen from the group consisting of a date, a location, an activity, and points awarded for an activity (Figure 5).

Regarding Claim 64:

- the information displayed regarding the one or more player preferences includes award level categories (1 coin, 2 coin, and 3 coin) (Figure 6).

Regarding Claim 65:

- each award level category includes one or more prizes that are redeemable at an award level corresponding to the award level category (Figure 6).

Regarding Claim 66:

- the user interface further comprises an information display area for displaying additional information (pay combination status) for each of the prizes (Figure 6).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the player playing preferences of Walker ('163) in Walker ('041). One would be motivated to do so such that a player could configure Walker ('041) to input a flat rate price based upon the at least one identified price parameter, and initiate a flat rate play session of the gaming device upon receiving an indication of payment of the flat rate price.

Response to Arguments

6. Applicant's arguments filed December 8, 2003 have been fully considered but they are not persuasive.

7. Applicant disagrees with the rejection to claims 1-15, 30-44, 55-61, and 67 under 35 U.S.C. 102(e) as being anticipated by Walker et al. (Walker) (U.S. 6,110,041).

Regarding independent claims 1, 30, and 55, applicant alleges Walker does not disclose, "displaying a preview of a game presentation using preference selections or displaying a preview of a game presentation using preference selections." The examiner respectfully disagrees. First, Walker's user interface has to display information regarding one or more preferences in a group of available preferences, otherwise, the characteristic, such as language, sound, or speed of reel spins as shown in fig. 5 would only have one option, which would be the default characteristic for the machine. No selections are required of a player on a machine that uses default

preferences for a gaming machine. Second, as a minimum, a player is able to compare (preview) available preferences during game play. For instance, if the player has selected a "Loud" sound option (as shown in Fig. 5), but dislikes the loud sound effects in the game, the player can simply re-configure sound option in the player preference options to a "medium" or "low" sound, etc.

8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the preview of a game presentation is provided on the preference display screen to allow a user to see effects or preference selections in real-time before applying the effects or preference selections to an actual game of chance that provides a game outcome) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The examiner recommends Applicant amend the independent claims to incorporate the aforementioned claim language. Any claim amendment, however, should be fully supported by the specification.

9. For the reasons discussed hereinabove, the examiner maintains the rejection to claims 1-11, 13-15, 30-44, 55-61, and 67-69 under 35 U.S.C. 102(e) as being anticipated by Walker et al. (Walker) (U.S. 6,110,041) and the rejection to claims 62-66 are under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,110,041) in view of Walker et al. (U.S. 6,077,163).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

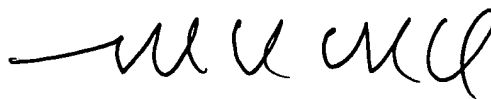
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MICHAEL O'NEILL
PRIMARY EXAMINER